

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MICKEY A. FERRELL,)
vs.)
Plaintiff,)
MICHAEL J. ASTRUE,)
Commissioner of the Social Security)
Administration,)
Defendant.)

NO. CIV-07-1343-HE

ORDER

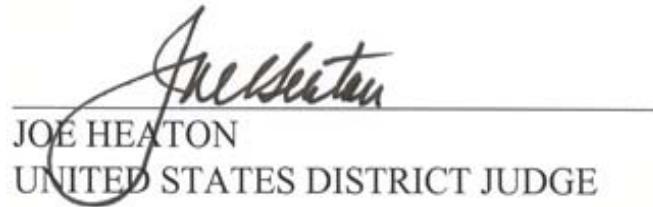
Plaintiff Mickey A. Ferrell instituted this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying her application for benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Robert E. Bacharach, who recommends that the Commissioner's decision be affirmed.

Plaintiff has filed a timely objection to the Report and Recommendation reasserting his previous arguments and alleging that the Magistrate Judge misconstrued Tenth Circuit precedent. Plaintiff contends that the Administrative Law Judge's ("ALJ") use of comparative terms when addressing the treating physician's opinion was not sufficiently specific under Watkins v. Barnhart, 350 F.3d 1297 (10th Cir. 2003). As the Report and Recommendation notes, however, the use of comparative terms by an ALJ to address how much weight to accord a treating physician's opinions is appropriate. *See Tom v. Barnhart*, 147 Fed. App'x 791, 793 (10th Cir. 2005) (unpublished opinion). Further, the ALJ did provide specific, legitimate reasons for rejecting the treating physician's opinions. *See* Report and Recommendation at 5-6.

Having reviewed the record and given the plaintiff's objections de novo review, and being in agreement with Magistrate Judge Bacharach's analysis, the court adopts his Report and Recommendation [Doc. #21] and **AFFIRMS** the final decision of the Commissioner.

IT IS SO ORDERED.

Dated this 8th day of January, 2009.



Joe Heaton
JOE HEATON
UNITED STATES DISTRICT JUDGE